

TRIAL ORDER

This case has been set for trial during the **May 6, 2024** civil term of court. To facilitate efficient disposition of motions and prompt resolution of disputes, the Court supplements and modifies the Local Rules and the Federal Rules of Civil Procedure as follows. It is **ORDERED** that:

1. No later than **April 5, 2024**, counsel shall advise the case manager about the method they will use for digital presentation of evidence. If the court evidence presentation system will be used, counsel shall immediately arrange for the required training and if a party will use another system, counsel shall immediately arrange a date and time for a test run.
2. Pre-trial disclosures of witness and exhibit lists as required by Fed. R. Civ. P. 26(a)(3) and by LR 40.1(c) shall be filed no later **April 5, 2024**. Objections shall be filed no later no later than **April 19, 2024**.
3. Designations of deposition testimony to be offered at trial shall be exchanged, but not filed, no later than **April 11, 2024**. Objections and counter-designations shall be exchanged but not filed no later than **April 15, 2024**. Objections to counter-designations shall be exchanged but not filed no later than **April 19, 2024**. The parties shall immediately thereafter meet and confer in an effort to narrow and focus any disputes. If deposition testimony from fewer than four witnesses will be offered, the designations, counter-designations, and objections shall be filed by joint submission no later than **April 26, 2024**. If deposition testimony from more than four witnesses will be offered, the parties

shall advise the case manager by joint email sent no later than **noon on April 26, 2024** of the general nature and extent of any remaining disagreements and whether designations are likely to be narrowed as trial approaches.

4. Motions in limine shall be filed no later than **April 22, 2024**, and responses no later than **April 25, 2024**.

5. Trial briefs required by LR 40.1(a) shall be filed no later than **April 15, 2024**.

6. The parties must exchange proposed jury instructions no later than **April 11, 2024** and shall thereafter meet and confer in an effort to narrow and focus any disputes. No later than **April 18, 2024**, the parties shall file a Joint Submission containing agreed upon instructions and any additional requests for instructions as to which there is disagreement, clearly identifying the specific disagreements.

7. If any party is considering a motion to seal exhibits or seal trial testimony or to close the courtroom, attention is directed to LR 40.1(d). If any party includes as an exhibit a document designated by a non-party as confidential pursuant to a protective order, the party SHALL advise the non-party at the time of designation, SHALL attach a copy of this order, and SHALL file a certificate of service. Any non-party who will ask the court to seal an exhibit or trial testimony or to close the courtroom SHALL immediately meet and confer with the parties in a good-faith effort to narrow issues related to sealing and SHALL file such a motion no later than **April 22, 2024**. Untimely motions will be denied.

8. If and when the Court sets a specific trial date later in the term for a particular case, the deadlines established herein are not extended and remain in place, absent specific order.

9. A settlement conference may be set by separate order. If so scheduled, all parties are REQUIRED to attend any scheduled settlement conference. Counsel are ORDERED to advise each client of the date and time of any settlement conference and of the Court's order that each named party attend. Counsel does not have the authority to excuse attendance and failure to attend will have consequences. If any conference is held in person, counsel SHALL ensure that each client is aware of the location of the courthouse and take appropriate steps to see that parties do not go to the state courthouse so that proceedings can start on time. Counsel and the parties are reminded of the provisions of Federal Rule of Civil Procedure 16(f).

10. Lead trial counsel SHALL attend the settlement conference and any pre-trial conferences. Local counsel SHALL attend the settlement conference and any pre-trial conferences.

11. Counsel without a card to bring electronics into the courthouse should obtain that permission by submitting an electronic device permission request at least two weeks before the date of the first scheduled hearing. Forms and instructions are available on the Middle District website.

12. Except as explicitly modified herein or otherwise, the provisions of otherwise applicable Local Rules and Rules of Civil Procedure apply.

/s/ Catherine C. Eagles
CHIEF UNITED STATES DISTRICT JUDGE